

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to)
Investigate the Implementation)
Of Feed-in Tariffs.)
_____)

DOCKET NO. 2008-0273

ORDER DENYING MOTION OF ZERO EMISSIONS
LEASING LLC TO COMPEL HAWAIIAN ELECTRIC COMPANIES
TO PROVIDE RESPONSES TO INFORMATION REQUESTS FILED MARCH 8, 2010

FILED

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COMMISSION

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Docket No. 2008-0273

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LEASING LLC TO COMPEL HAWAIIAN ELECTRIC COMPANIES
TO PROVIDE RESPONSES TO INFORMATION REQUESTS FILED MARCH 8, 2010

By this Order, the commission denies the Motion of Zero Emissions Leasing LLC to Compel Hawaiian Electric Companies To Provide Responses To Information Requests, which was filed on March 8, 2010 ("Motion"). Specifically, the commission finds that Zero Emissions Leasing LLC ("ZEL") failed to certify, as required by Rule 37(a)(2) of the Hawaii Rules of Civil Procedure ("HRCP"), that it had "in good faith conferred or attempted to confer" with the Hawaiian Electric Companies to resolve the discovery dispute that is the subject of the Motion.¹ In addition, prior to filing the Motion, ZEL failed to avail itself of the supplemental information request procedure that it had agreed to.

Notably, ZEL admits that absolutely no attempt was made by ZEL to informally resolve the discovery dispute prior to, or even subsequent to, the filing of the Motion. Parties are

¹In re Public Utilities Commission, Docket No. 03-0371, Order No. 21112, filed on July 12, 2004; Hawaii Administrative Rules § 6-61-1.

required to make a good faith attempt to resolve their discovery disputes prior to seeking commission action.

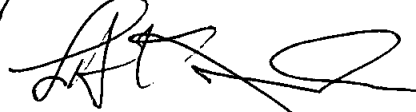
Accordingly, the commission denies the Motion.

DONE at Honolulu, Hawaii APR 19 2010.

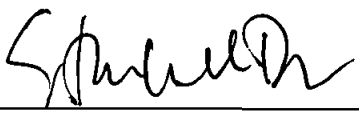
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0273.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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